

Message Text

SECRET

PAGE 01 MANILA 07164 01 OF 03 111113Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----111114Z 011016 /11
O 111015Z MAY 77
FM AMEMBASSY MANILA
TO SECSTATE WASHDC IMMEDIATE 9582

S E C R E T SECTION 1 OF 3 MANILA 7164

EXDIS

FOR HOLBROOKE

E.O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: TRINIDAD HERRERA

REF: (A) STATE 106065; (B) MANILA 6931; (C) STATE 103902
(D) MANILA 7109; (E) MANILA 18522/76; (F) MANILA 7158

1. DURING 45-MINUTE MEETING MAY 11 WITH PRESIDENT MARCOS
I CONVEYED REFTEL A POINTS IN FULL, ADDING THE DAVID BALONDO
CASE FOR GOOD MEASURE, NOTING THAT WE HAD RECEIVED A PARTIAL
REPORT (REF B) ABOUT MRS. HERRERA OVER THE WEEKEND, AN INQUIRY
ON MONDAY FROM THE HIRC STAFF (REF C), AND FURTHER SUBSEQUENT
REPORTS HERE. I NOTED MY RECOLLECTION OF THE ASSURANCES
PRESIDENT AND MRS. MARCOS SEPARATELY HAD GIVEN HOLBROOKE AND
THE LATTER'S RESPONSE. I NOTED THAT IF MRS. HERRERA WERE NOT
IN FACT MISTREATED IT WOULD BE AN OPPORTUNITY TO DEMONSTRATE
CONCLUSIVELY BY PRIVATE INTERVIEW WITH HER THAT THE ALLEGATIONS
WERE UNFOUNDED. DURING SUBSEQUENT PRESENTATION CONCERNING
THE BORADER QUESTION OF USE OF TORTURE AND SAFE HOUSES,
I QUOTED WITHOUT IDENTIFICATION RELEVANT PASSAGES FROM
THE AMNESTY INTERNATIONAL REPORT, AND WITH IDENTIFICATION
FROM THE DEPARTMENT'S REPORT TO THE CONGRESS, ADDING THAT
"WE CONTINUE TO RECEIVE REPORTS ON THE USE OF TORTURE BY
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PHILIPPINE AUTHORITIES."

2. THOUGHTOUT MY RATHER LENGTHY DIRECT PRESENTATION
WHICH WAS DELIVERED WITH LITTLE PREAMBLE AND NO ATTEMPT
TO SOFTEN OR TRIM THE ALLEGATIONS, MARCOS LISTENED ATTEN-
TIVELY WITHOUT INTERRUPTION. WHEN I FINISHED, MARCOS
STATED THAT EVEN WITHOUT INVESTIGATION HE IS CERTAIN THE

REPORTS ABOUT THE TORTURE OF MRS HERRERA ARE FALSE. HE THEN CALLED FOR GENERAL VER (COMMANDER PRESIDENTIAL SECURITY COMMAND DG NATIONAL INTELLIGENCE SECURITY AUTHORITY), WHO APPEARED WITHIN SECONDS. VER ACKNOWLEDGED THAT MRS. HERRERA HAD BEEN ARRESTED BEFORE LABOR DAY (MAY 1) AND WAS IN THE CUSTODY OF METROCOM. MARCOS THEN INSTRUCTED VER TO CALL METROCOM COMMANDER GENERAL OLIVAS IMMEDIATELY TO ASCERTAIN THE DETAILS. MARCOS COMMENTED THAT SUCH REPORTS CONCERNING TORTURE EMANATE FROM THE POLITICAL OPPOSITION, AND HE SEEMED INCLINED TO DISMISS THEM OUT OF HAND. THEREUPON I GAVE HIM THE LETTER (REF D) FROM FORMER SENATOR RODRIGO CONCERNING THE HERRERA ALLEGATIONS WHICH HE READ AND REREAD CAREFULLY. AFTERWARD HE COMMENTED THAT HE STILL DIDN'T BELIEVE THE ALLEGATION BUT WOULD "YOU CAN BE ASSURED" CONDUCT A COMPLETE INVESTIGATION. HE NOTED THAT HE HAD RECEIVED A COPY OF PRESUMABLY THE SAME LETTER ONLY TUESDAY NIGHT AND HAD BEEN PLANNING TO READ IT TODAY, BUT "NOW WE WILL TAKE ACTION FORTHWITH." MUSING QUIETLY UNDER HIS BREATH, "DETAINED AT CAMP CRAME. THAT'S STRANGE," MARCOS REMARKED THAT IT ALSO WAS STRANGE THAT MRS. HERRERA HAD MADE HER STATEMENT ABOUT TORTURE AT THE SECOND MEETING, BUT NOT AT THE FIRST. HE SAID, "I AM SURE THAT OUR INVESTIGATION WILL REVEAL THE TRUTH. WE ARE ALWAYS CAUTIOUS ABOUT PRISONERS MAKING SUCH CLAIMS BECAUSE THEY USUALLY PROVE TO BE FALSE." VER RETURNED TO CONFIRM THAT THE PRISONER WAS INDEED IN CUSTODY, NOTHING HE HAD NOT SEEN THE LETTER AND IMPLY, HOWEVER, THAT HE ALREADY HAD REQUESTED AN INVESTIGATION. AT THIS POINT MARCOS LEFT THE ROOM TO "SEE IF MY LETTER IS THE SAME AS YOURS." VER

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VOLUNTEERED THAT LAST NIGHT HE HEARD THAT MRS. HEEERA HAD MADE A COMPLAINTT AND IN RESPONSE TO MY QUESTION, NOTED VAGUELY THAT AN INVESTIGATION OF THE MATTER MAY HAVE COMMENCED EVEN YESTERDAY.

3. MARCOS RETURNED AFTER THEN MINUTES, COMMENTING THAT THE CASE LOOKS LIKE THE STANDARD FALSE ALLEGATION BY A PRISONER. HE SAID HE HAD JUST TALKED TO GENERAL OLIVAS, WHO HAS OVERALL RESPONSIBILITY, AND WHO REPORTED THAT MRS. HERRERA HAD BEEN EXAMINED MEDICALLY UPON HER ARREST, THAT SHE MAY HAVE PASSED BRIEFLY THROUGH THE MIU (MILITARY INVESTIGATION UNIT) AS

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TO SECSTATE WASHDC IMMEDIATE 9583

S E C R E T SECTION 2 OF 3 MANILA 7164

EXDIS

FOR HOLBROOK

ALLEGED, BUT HAD NOT BEEN HELD THERE. ALSO ACCORDING TO OLIVAS, MRS. HERRERA HAD BEEN MEDICALLY EXAMINED UPON ENTRY AT BICUTAN AND AGAIN TWO DAYS AGO. AT NO POICT, MARCOS SAID, WAS THERE ANY MENTION BY HER OF HAVING BEEN TORTURED. "THEREFORE," MARCOS SAID, "THIS IS A STRANGE CHARGE THAT MAKES ME WONDER. PERHAPS THE LAWYER AND THE CLIENT SHOULD BE ASKED AGAIN ABOUT THE FACTS, AND I HAVE ASKED THAT THE PRISONER BE MADE AVAILABLE AGAIN FOR MEDICAL EXAMINATION." HE TURNED TO VER AND SAID, " AND SEE TO IT THAT DOCTORS FROM MALACANANG ARE USED. INVITE THE RELATIVES OF MRS. HERRERA TO BE PRESENT DURING THE EXAMINATION, BRING IN EVERYBODY, AND ALSO LOOK INTO THE CASE OF BALONDO." TO ME HE REITERATED, " WE ARE USED TO THIS. PRISONERS DO IT FREQUENTLY. IN MRS. HERRERA'S CASE, WHEN ASKED TO IDENTIFY MARKS ON HER BODY, SHE DID NOT INDICATE ANYTHING."

4. MARCOS TOLD ME THAT HE IS INTERESTED IN HEARING ABOUT ANY SIMILAR CLAIMS NOW OR IN THE FUTURE AND THAT HE WAS GLAD THAT I HAD APPROACHED HIM IN THE PRESENT CASE. HE ADDED THAT HE WAS SURE THAT HIS PEOPLE COULD WITHSTAND CLOSE SCRUTINY IN THIS REGARD.

5. MARCOS THEN ASKED IF I WOULD BE INTERESTED IN HAVING
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ONE OF OUR PEOPLE PRESENT DURING THE EXAMINATION OF MRS. HERRERA. I REPLIED, " IF INVITED, YES. IT WOULD ADD A NOTE OF CREDIBILITY." MARCOS TURNED AGAIN TO VER, STANDING STIFFLY AT ATTENTION THROUGHOUT, " I WANT THIS MATTER THOROUGHLY INVESTIGATED. IF ANYONE IS GUILTY, I WANT THEM PUNISHED. IF THERE IS ANY COVER-UP, I WANT TO KNOW ABOUT IT. I WANT A REVIEW OF ALL CASES WHERE THERE HAVE

BEEN ANY CHARGES OF TORTURE, PARTICULARLY ANY RECENT CASES, AND I WANT A LISTING OF ALL SUCH CASES KEPT IN THIS OFFICE FOR MY USE IN DISCUSSING THE SUBJECT."

6. COMMENT: MARCOS SEEMED PARTICULARLY INTENT ON ESTABLISHING IF THE RODRIGO LETTER WAS OUR SOLE SOURCE. WHILE ACKNOWLEDGING THAT THE LETTER INCORPORATED MOST WHAT WE HAD HEARD, I DELIBERATELY LEFT OPEN THE POSSIBILITY THAT WE AND WASHINGTON MIGHT HAVE FURTHER AND INDEPENDENTLY SOURCED INFORMATION. THE CENTRAL EXPLANATION, OFFERED BY MARCOS, THAT PRISONERS FREQUENTLY AND WITHOUT BASIS CLAIM TORTURE AS A MEANS OF DRAMATIZING THEIR ARREST OR RATIONALIZING THEIR CONFESSIONS, IS THE SAME ARGUMENT HE USED WITH CONGRESSMAN SOLARZ ON NOVEMBER 25 (REF E). THERE IS, OF COURSE, A CERTAIN GENERAL LOGIC IN MARCOS' ARGUMENT, WHICH HOWEVER COULD BE INAPPLICABLE IN THE PRESENT CASE.

7. ALL WE CAN PRESENTLY ATTEST TO IS THAT MARCOS HAS DENIED THAT THE ALLEGATIONS CONCERNING TORTURE OF MRS. HERRERA COULD BE TRUE IN PRINCIPLE. NONETHELESS, HE HAS ORDERED A FULL INVESTIGATION TO DETERMINE THE FACTS. ON THE OTHER HAND, RODRIGO ET AL HAVE PRESENTED AN APPARENTLY CONSIDERED, INTERNALLY CONSISTENT, CASE SUPPORTED BY WITNESSES. WE CANNOT, OF COURSE, ENTIRELY RULE OUT THE POSSIBILITY THAT THE ALLEGATIONS ARE FACTUALLY DISTORTED AND POLITICALLY INSPIRED TO EMBARRAS MARCOS, HOWEVER UNLIKELY THIS SEEMS GIVEN SOME OF THE PEOPLE INTERESTED AND CITED AS WITNESSES (REFTEL).

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8. TORTURE AS A METHOD OF STATE SECURITY HAS BEEN PRACTICED IN THE PHILIPPINES FOR YEARS, OF THIS I HAVE NO DOUBT. MARCOS HAS BEEN CONSTITUTIONAL AND EXTRA-CONSTITUTIONAL PRESIDENT FOR 12 YEARS, AND I ALSO HAVE LITTLE DOUBT THAT HE HAS HERETOFOR COUNTENANCED IF NOT APPROVED SUCH PRACTICES. IN A COUNTRY WHERE MARCOS STUDIOUSLY CONTROLS ALL INSTRUMENTALITIES OF COERCION AND VIOLENCE, IT IS DIFFICULT TO ACCEPT THAT SUCH A DISPLAY OF TORTURE AS IN THE INSTANT CASE COULD OCCUR AGAINST A WOMAN, IN THE CIRCUMSTANCES ALLEGED WITH THE SEEMING KNOWLEDGE OF AT LEAST TWO FIELD GRADE OFFICERS OF THE PHILIPPINE CONSTABULARY WITHOUT THERE BEING SOME CONFIDENCE AMONG THE PERPETRATORS THAT TORTURE REMAINS IN VOGUE DESPITE POSTURING UP THE LINE TO THE CONTRARY. BUT WE SHALL SUSPEND JUDGMENT AT LEAST UNTIL THE INVESTIGATION HAS BEEN COMPLETED. PERHAPS AN EMBARRASSING AFFIRMATION OF THE ALLEGATIONS WILL BE UNCOVERED IN THE INVESTIGATION, AND SOME HEADS WILL BE MADE TO ROLL. EVEN THEN IT REMAINS AN OPEN QUESTION WHETHER MARCOS WOULD TURN ON HIS OWN AND

MAKE AN EXAMPLE OF ALL THOSE RESPONSIBLE IN THE CHAIN OF
COMMAND. NONETHELESS, THERE IS EVERY REASON FOR MARCOS

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S E C R E T SECTION 3 OF 3 MANILA 7164

EXDIS

FOR HOLBROOKE

TO BE RESPONSIVE IN FOLLOWING UP ON THE INSTANT CASE IN
TERMS OF HIS RELATIONS WITH THE UNITED STATES. WHILE
MARCOS IS A PAST MASTER AT SUBSTITUTING RHETORIC FOR ACTION,
I AM PREPARED TO BE SHOWN THAT HE REALLY MEANS WHAT HE
PROMISED US TODAY.

9. AN ENCOURAGING DEVELOPMENT: PHILIPPINE CONSTABULARY
COMMAND MAJOR GENERAL FIDEL RAMOS JUST CALLED TO SAY THAT
PRESIDENT MARCOS HAD INSTRUCTED HIM TO CONTACT ME AND
ARRANGE FOR AN EMBASSY REPRESENTATIVE TO VISIT MRS. HERRERA
IN BICUTAN MORNING OF MAY 12. I ACCEPTED OFFER AND
SUGGESTED PRIVATELY MEETING WITH MRS. HERRERA. RAMOS
REPLIED, THAT WILL BE DONE." I TOLD RAMOS (WHO HAD JUST
RETURNED FROM MINDANAO AND SEEMED UNFAMILIEAR WITH THE
CASE) THAT FOR OUR PART WE HAVE NO DESIRE TO GENERATE
PUBLICITY THAT WOULD BE EMBARRASSING TO THE PHILIPPINES
AND THAT I ALREADY HAD ALREADY HAD ENJOINED EMBASSY OFFICERS
CONCERNED NOT REPEAT NOT TO DISCUSS CASE WITH PRESS.

10. WASHINGTON POST STRINGER BERNARD WIDEMAN CALLED
EMBOFF THIS AFTERNOON TO ASK ABOUT EMBASSY INVOLVEMENT
WITH THE HERRERA CASE. A HE HERRERA CASE. HE WAS PRIMARILY
INTERESTED IN WHAT HAD SPURRED EMBOFFS TO VISIT RODRIGO THIS MORNING.

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EMBOFF REPLIED THERE OBVIOUSLY CONGRESSIONAL INTEREST
BUTHDECLINED TO DISCUSS MATTER FURTHER. WIDEMAN INDICATED
HE HAD HAD HARD TIME SELLING WP ON THE HERRERA STORY
BUT THOUGHT THEY MIGHT RUN SOMETHING. (WE WOULD APPRECI-
ATE ANY GUIDANCE ON PRESS ASPECTS THAT THE DEPARTMENT
MAY CARE TO OFFER.)
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRISONERS WELFARE, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 11-May-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MANILA07164
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770165-0856
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Legacy Key: link1977/newtext/t19770571/aaaacitn.tel
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Litigation History:
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Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 77 STATE 106065, 77 MANILA 6931, 77 STATE 103902, 77 MANILA 7109, 77 MANILA 18522, 77 MANILA 7158
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2570666
Secure: OPEN
Status: NATIVE
Subject: TRINIDAD HERRERA
TAGS: SHUM, PINS, RP, (HERRERA, TRINIDAD), (MARCOS, FERDINAND)
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/fbbba96-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009